

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**CLINTON HEINZ and FORREST W.
MEADOWS,**

Plaintiffs,

v.

**SE HARMONY CORPORATION,
BRIGHT CHARTER SHIPPING LTD., and
SINCERE INDUSTRIAL
CORPORATION,**

Defendants.

Case No. 3:21-cv-903-YY

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

Michael H. Simon, District Judge.

United States Magistrate Judge Youlee Yim You issued Findings and Recommendations in this case on June 14, 2024. Judge You recommended that this Court grant Defendants’ motion to dismiss, and dismiss this case with prejudice.

Under the Federal Magistrates Act (Act), the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C.

§ 636(b)(1). If a party objects to a magistrate judge’s findings and recommendations, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Rule 72(b) of the Federal Rules of Civil Procedure recommend that “[w]hen no timely objection is filed,” the court review the magistrate judge’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Judge You’s Findings and Recommendations for clear error on the face of the record. No such error is apparent. Accordingly, the Court ADOPTS Judge You’s Findings and Recommendations (ECF 80). The Court GRANTS Defendants’ motion to dismiss (ECF 58) and DISMISSES this case with prejudice. This ruling does not affect Defendants’ pending motion for sanctions (ECF 62), which in the first instance rests with Judge You.

IT IS SO ORDERED.

DATED this 30th day of July, 2024.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge